IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY GRINBERG,	)	CASE NO. 1:01CV2371
	)	
Plaintiff,	)	JUDGE NUGENT
	)	
v.	)	MAGISTRATE JUDGE HEMANN
	)	
COUNTY OF CUYAHOGA, ET AL.,	)	**REPORT AND RECOMMENDATION**
	)	
Defendant.	)	

This case is before the magistrate judge on referral. Plaintiff, Gary Grinberg

("Grinberg"), filed the complaint on October 12, 2001 and has not filed a notice of service

to indicate that he has served the complaint on any defendant.

Federal R. Civ. P. 4(m) provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Grinberg has failed to notify the court that he has served the complaint upon any

defendant even though 157 days have passed since he filed his complaint.

For the above reason the magistrate judge recommends that the court regard this

Report and Recommendation as notice to Grinberg of the pendency of court action in light

of his apparent failure to effect timely service. The magistrate judge also recommends that

the court dismiss Grinberg's cause of action without prejudice as to all defendants unless

Grinberg can show good cause for his failure to effect service.

Date: 3/18/02

/s/Patricia A. Hemann
Patricia A. Hemann
United States Magistrate Judge

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).